

**From:** [Mahley, Bill](#)  
**To:** [Talton, Chuck](#)  
**Cc:** [Chiang, I-Jung](#); [Kim Darnell \(Kim.Darnell@kirbycorp.com\)](mailto:Kim.Darnell@kirbycorp.com)  
**Subject:** SBA Shipyard, Jennings, La. - response to EPA information request  
**Date:** Tuesday, January 12, 2016 10:31:13 AM  
**Attachments:** [image003.jpg](#)  
[5633\\_20160112\\_101256571.pdf](#)

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Mr. Talton,

Please see the attached correspondence, on behalf of Kirby Offshore Marine, LLC.



**F. William Mahley**

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January 11, 2016

F. WILLIAM MAHLEY  
(713) 951-5633  
Direct Fax (832) 397-3545  
Bill.Mahley@strasburger.com

**VIA EMAIL: TALTON.CHUCK@EPA.GOV**

Mr. Kenneth Talton, Enforcement Officer  
Superfund Enforcement Assessment Section (6SF-TE)  
U.S. EPA, Region 6  
1445 Ross Avenue  
Dallas, TX 75202-2733

Re: SBA Shipyard Superfund Site

Dear Mr. Talton:

We have been asked to respond to EPA's November 17, 2015 correspondence addressed to Morania Oil Tanker Corp., c/o Penn Maritime Inc.

**QUESTIONS**

**GENERAL INFORMATION CONCERNING RESPONDENT**

1. Provide the full legal name and mailing address of the Respondent.

Kirby Offshore Marine, LLC  
55 Waugh Drive, Suite 1000  
Houston, Texas 77007

2. Identify and provide the full name, title, business address, and business telephone number for each person answering these questions on behalf of the Respondent, and each person(s) that was relied on or consulted with in the preparation of the answer.

Kim Darnell, Director of Claims and Litigation  
Morgan Johnson, Environmental Compliance Manager  
55 Waugh Drive, Suite 1000  
Houston, Texas 77007  
(713) 435-1000;

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William L. Oppenheimer  
Vice President – Repair & Maintenance  
Kirby Offshore Marine, LLC  
3245 Richmond Terrace  
Staten Island, NY 10303

-and-

F. William Mahley  
Strasburger & Price, LLP  
909 Fannin, Suite 2300  
Houston, Texas 77010  
(713) 951-5600

3. If Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, and telephone number.

F. William Mahley  
Strasburger & Price, LLP  
909 Fannin, Suite 2300  
Houston, Texas 77010  
(713) 951-5600

4. If Respondent is a business, please give a brief description of the nature of the business.

Kirby Offshore Marine ("Kirby") operates a fleet of coastal tank barges and towing vessels, engaged in transporting various refined petroleum and chemical products for a number of product producers and intermediaries, to and from the U.S. ports.

Kirby owns the stock of Penn Maritime, Inc. Penn Maritime, Inc. is successor by merger to Morania Oil Tanker Corp. in 2000.

### **REQUESTS FOR DOCUMENTS**

Please identify (see Definitions) and provide copies of all documents (see Definitions) consulted, examined, or referred to in the preparation of the answers to the above questions including all subparts of each question, or that contain information responsive to the question.

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1. Please identify any dealings or transactions you have or had with SBA Shipyards, Inc., Louis Smailhall, Suzanne Smailhall, LEEVAC Shipyards, Inc., n/k/a Bunge Street Properties, LLC, and LEEVAC Industries, LLC n/k/a LEEVAC Shipyards Jennings, LLC. Please provide a brief description of the nature of those dealings or transactions and the timeframes during which those dealings and transactions occurred.

Kirby is investigating this issue, but thus far has not definitively identified any relationship between it and any of the listed entities or individuals. Kirby has anecdotal indications that Morania Oil Tanker Corp., and/or Penn Maritime was a customer at SBA Shipyard.

- a. Specifically, provide dates of when you sent or moved something to the Site and the name and contact information of the person who made such arrangements.

See above. Kirby is investigating this issue; however, based upon investigation to date, Morania is believed to have hired SBA Shipyard to build barges in the 1970's. In app. 1981-2, Morania brought the MORANIA ABACO to SBA for a major refurbishment, and the MORANIA 300 in for conversion from a self-propelled barge to a "dumb" barge. Later in the 1980's, Morania brought the barge PENN 210 in for a major repair job and new mid-body. Finally, in app. 1990-2, either Morania or Penn brought the tank barge HATTERAS to SBA for conversion to asphalt service.

2. Please provide any and all documents in your possession that are related to the dealings and transactions detailed in Question 1 above.

None have been located at this time.

3. If any of the dealings or transactions described involved hazardous materials, please include a detailed listing of such materials, the materials data safety sheet, dates of transaction, and any quantity associated with those materials.

None have been identified at this time.

4. Please describe in detail any involvement you had with the 2002 RCRA Interim Measures/Removal Action (IM/RA) at the Site. Please provide any and all documents in your possession related to the IM/RA, including, but no limited to, a listing of the parties involved in the IM/RA.

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Neither Morania nor Penn Maritime were involved with that Removal Action.

5. Please provide the names, title, and contract information of anyone, including, but not limited to, employees, who may possess knowledge and information regarding this Site and/or your own business operations.

Bill Oppenheimer. Kirby is investigating this issue to ascertain whether it can identify any other individuals who possess such information.

6. Identify all of the individuals who currently have and those who have had responsibility for the Respondent's environmental matters (e.g., responsibility for the disposal, treatment, storage, recycling, or sale of the Respondent's wastes). This information shall include, but not be limited to, the following:

Kirby does not produce waste materials, and therefore objects to this question to that extent. Several of Kirby's current management team are responsible for "environmental matters."

- a. Each individual's job title and duties (including the dates performing those duties).

Morgan Johnson  
Environmental Compliance Manager, since 2008.

- b. The supervisors for such duties.

Mr. Johnson reports to the Vice President, Legal.

- c. The current position or the date of the individual's resignation, and

N/A

- d. The nature of the information possessed by such individuals concerning the Respondent's waste management.

None as it relates to this Site.

- e. The contact information of the individual.

Please see response to No. 3 above.

7. Does the Respondent's company or business have a permit(s) issued under RCRA? If so, provide a copy(ies) of the permit(s).

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Kirby does not possess a RCRA permit.

8. Provide all Resource Conservation and Recovery Act (RCRA) Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.

N/A

9. Does the Respondent's company or business have, or has it ever had, a permit(s) under the hazardous waste laws of the State? If so, provide a copy(ies) of the permit(s).

Kirby does not possess any such permits. None have been identified for Morania or Penn Maritime.

10. Does the Respondent's company or business have an EPA Identification Number, or an identification number supplied by the State? If so, supply any such identification number(s).

TX 000080139. None have been identified for Morania or Penn Maritime.

11. Identify all federal, state, and local offices and agencies to which the Respondent has sent or filed hazardous substance or hazardous waste information and state the years during which such information was sent or filed.

Kirby objects to this request as irrelevant and not applicable to the Site at issue.

12. Provide copies of all documents created or kept by the Respondent related to the nature, quantity, or source of the materials taken to the Site.

Kirby is investigating this issue. No such documents for Morania or Penn Maritime have been located as of the date of this response.

13. If barges were placed or disposed at the Site, provide the following information.

a. Where they were placed or disposed, and

See No. 1(a).

b. Their condition when placed or disposed.

See No. 1(a).

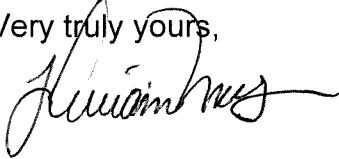
14. Identify other individuals and entities that the Respondent has reason to believe may have taken or sent materials to the Site. Of these individuals and entities,

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specify which were observed by the Respondent at the Site and indicate when those observations were made. Provide all of the information known by the Respondent regarding the customers of these entities or individuals.

Kirby is investigating this issue.

Very truly yours,

A handwritten signature in black ink, appearing to read "F. William Mahley", written over the closing "Very truly yours,".

F. William Mahley  
FWM/ag

cc: Kim Darnell